

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 26, 2006  
Tuesday, 9:42 A.M.

The City Council met in regular session with Vice-Mayor Gray in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, Skelton; present, (Mayor Mayans absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the September 19, 2006 meeting were approved 6 to 0.

CONSENT AGENDA

Motion--  
--carried

Vice-Mayor Gray moved that Consent Items 1-9c be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Mayans absent).

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 25, 2006.**

Bids were opened September 22, 2006, pursuant to advertisements published on

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Lateral 22, Main 13 Southwest Interceptor Sewer to serve an Unplatted Tract north of Pawnee, west of Maize (468-84110/744158/480846) Does not affect existing traffic. (District IV)

Mies Construction - \$9,730.00 (negotiated to engineers estimate)

Aksarben from the north line of Lot 19, Block A, north to the south line of Autumn Ridge; Autumn Ridge from the west line of the plat, east and south to the north line of Kiwi; Kiwi from the west line of Lot 7, Block E, east to the east line of the plat; Decker from the north line of Autumn Ridge north to the north line of the plat; Sidewalk on one side of Autumn Ridge, Aksarben, Kiwi and Decker to serve Copper Gate North Addition north of 13th Street North, west of 135th Street West (472-84105/766110/490127) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$248,194.43

Lateral 396 Four Mile Creek Sewer to serve Crestlake Addition north of Central, west of 127th Street East (468-84182/744184/480872) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$199,872.00

Lateral 58, Main 3 Southwest Interceptor Sewer to serve Sycamore Pond Addition south of 47th Street South, east of Seneca (468-84191/744193/480881) Does not affect existing traffic. (District IV)

McCullough Excavation - \$184,500.00

The Purchasing Manager recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

On motion the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

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PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Wheeled Pavement Profile Machine.

Murphy Tractor and Equipment - \$205,400.00 (Base bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 4x4 Wheeled Hydraulic Excavator.

Berry Tractor and Equipment – \$239,762.00 (Group 1, Base Bid)  
5,900.00 (Group 1 Option 1)  
5,371.00 (Group 1 Option 2)  
9,500.00 (Group 1 Option 3)  
<-18,000.00> (Group 1 Option 4 - Deduct)  
\$242,533.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Crawler Dozer.

Foley Equipment Company Inc – \$417,700.00 (Group 1 Base bid)  
3,830.00 (Group 1 Option 1)  
7,500.00 (Group 1 Option 2)  
<- 38,000.00> (Group 1 Option 3-Deduct)  
7,500.00 (Group 1 Option 4)  
\$398,530.00 (Total net bid)

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Concrete Pathway for Grove Park.

PP and J Construction - \$32,400.00 (Total bid)

VARIOUS DEPARTMENTS/DIVISIONS: Concrete Requirements.

Dolese Brothers Company - \$165,100.00\*  
\*Estimate Contract approved on unit basis; refer to attachments

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: South Lakes Maintenance Building.

Hahner Foreman & Harness, LLC – \$157,668.00 (Group 1 Base bid)  
38,065.00 (Group 2 Option 1)  
5,110.00 (Group 2 Option 2)  
250.00 (Group 2 Option 3)  
\$201,093.00 (Total net bid)

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38,065.00 (Group 2 Option 1)  
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\$201,093.00 (Total net bid)

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## LICENSES

### APPLICATION FOR LICENSE.

#### Renewal

Ernest C. Doyon                      Vegas Video LLC                      8323 West Kellogg Drive

Motion--  
--carried

Vice-Mayor Gray moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0, (Mayans absent).

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Jerry W. Himcbeugh	MacDonald Municipal Golf Course*	840 North Yale
<u>New</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Haeyoung Kim	Alo LLC, dba C & C Conoco Gas	1131 East 47th Street South

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Vice-Mayor Gray moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Mayans absent).

## PRELIM ESTS.

### PRELIMINARY ESTIMATES:

- a) 2006 Contract Maintenance Concrete Drives & Base, Curb & Gutter & 2 Inch Asphalt Repair - north of 31st Street South, east of Meridian. (472-84445/132719/) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$150,000.
- b) Evergreen Park Tennis & Basketball Court Reconstruction - west of Arkansas, north of 25th Street North. (472-84434/785054/092062/395186/800603) Does not affect existing traffic. (District VI) - \$280,000.00
- c) Storm Water Drain #296 to serve Fontana Addition - north of 29th Street North, east of 119th Street West. (468-84196/751425/485316) Does not affect existing traffic. (District V) - \$110,000.
- d) Mainsgate from the west line of Eagle, east to the east line of the plat; Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate; Woodridge from the north line of Mainsgate, north to the north line of the plat; Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate; Sidewalk along one side of Mainsgate and Woodridge to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-84246/766104/490121) Does not affect existing traffic. (District II) - \$438,000.

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- e) Loch Lomond/Ayesbury from the north line of Boxthorn to the east line of Williamsgate; Boxthorn from the east line of Williamsgate to the east line of Loch Lomond; Loch Lomond Courts serving Lots 27 through 44, Block 1 to and including the cul-de-sacs to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (472-84084/766101/490118) Does not affect existing traffic. (District II) - \$667,800.
- f) Marblefalls from the south line of the plat, north to the roundabout; Hobby from the west line of Marblefalls to the north line of Mantane; Mantane from the west line of Hobby east to the roundabout; Sidewalk on Marblefalls, Hobby and Mantane to serve Falcon Falls 3rd Addition - north of 45th Street North, west of Hillside. (472-84324/766103/490120) Does not affect existing traffic. (District I) - \$459,000.
- g) Storm Water Drain #277 to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-84079/751428/485319) Does not affect existing traffic. (District V) - \$127,720.

Motion--carried

Vice-Mayor Gray moved that the file be received. Motion carried 6 to 0.

## PETITION

### **CONSTRUCT A SANITARY SEWER IN CRESTLAKE ADDITION, NORTH OF CENTRAL, WEST OF 127TH STREET EAST. (DISTRICT I)**

Agenda Report No. 06-0977

On April 18, 2006, the City Council approved a Petition to construct a Sanitary Sewer in Crestlake Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Central, west of 127th St. East.

The existing Petition totals \$188,000 with the total assessed to the improvement district. The new Petition totals \$260,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new residential development. It will also address the Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the new Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-506

A Resolution of findings of advisability and resolution authorizing construction of lateral 396, Four Mile Creek sewer (north of Central, west of 127<sup>th</sup> Street East) 468-84182 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## PETITION

### **CONSTRUCT A SANITARY SEWER IN HARRISON PARK THIRD ADDITION, EAST OF WEBB, NORTH OF HARRY. (DISTRICT II)**

Agenda Report No. 06-0978

The Petition has been signed by three owners representing 100% of the improvement district.

The project will provide sanitary sewer service to a new commercial development located east of Webb, north of Harry.

The Petition totals \$20,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service for new commercial development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

### RESOLUTION NO. 06-507

A Resolution of findings of advisability and resolution authorizing construction of lateral 401, Four Mile Creek sewer (east of Webb, north of Harry) 468-84232 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## PETITION

### **CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN CLEAR CREEK ADDITION, WEST OF 143RD STREET EAST, SOUTH OF KELLOGG. (DISTRICT II)**

Agenda Report No. 06-0979

The Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer and water improvements within a residential development located west of 143rd St. East, south of Kellogg.

The Petitions total \$605,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer and water improvements in a new subdivision. They also address the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

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## RESOLUTION NO. 06-508

A Resolution of findings of advisability and resolution authorizing construction water distribution system number 448-90232 (west of 143<sup>rd</sup> Street East, south of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-509

A Resolution of findings of advisability and resolution authorizing construction of lateral 400, Four Mile Creek sewer (west of 143<sup>rd</sup> Street East, south of Kellogg) 468-84231 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-510

A Resolution of findings of advisability and resolution authorizing constructing pavement on Spring Hollow Drive from the north line of Clear Creek Addition to the west line of Creekside Lane; Watson, from the west line of (Lot 3, Block 4) to the west line of Creekside Lane; Clear Creek, from the north line of Clear Creek Addition to the south line of (Lot2, Block 10); and St. Andrews Drive, from the north line of Watson to the north line of Clear Creek Addition and sidewalks to be constructed on one side of all through, non cul-de-sac streets (west of 143<sup>rd</sup> Street East, south of Kellogg) 472-84448 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## STREET CLOSURE

### **FROSTBITE REGATTA, NOVEMBER 5, 2006, 6:00 AM TO 6:00 PM, RIVERSIDE PARK. (DISTRICT VI)**

Agenda Report No. 06-0980

In accordance with the Community Events Procedure, the event promoter Don Wadsworth, Wichita Rowing Association is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Frostbite Regatta November 5, 2006 6:00 am – 6:00 pm, Riverside Park  
§ Nims Street Bridge, Murdock Street to Ralph Wulz Riverside Tennis Center driveway.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed intermittently throughout the course and immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Vice-Mayor Gray moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0, (Mayans absent).

--carried

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## ASSESSMENTS

### **SIDEWALK REPAIR ASSESSMENT PROGRAM. (DISTRICTS I, II, III)**

Agenda Report No. 06-0981

State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Sidewalks are condemned in all districts and then listed in a logical order for the contractor to repair. The first list of sidewalk repair included Districts 1 through 6. The lists do not go to City Council until the sidewalks have been repaired. This is the second list of sidewalks that has been repaired under this years contract.

An Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

Statements of Charges will be mailed to the property owners on October 6, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2006 bond sold. The principal and interest will then be spread over 5-years and placed on the 2007 tax roll.

This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal and the Ensure Efficient Infrastructure goal by reducing sidewalk trip hazards and improving the appearance of sidewalks.

These assessments are in accordance with City Code 12.18.

Motion--  
--carried

Vice-Mayor Gray moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 6 to 0, (Mayans absent).

### ORDINANCE

An ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

## UNSAFE STRUC.

### **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I AND III)**

Agenda Report No. 06-0982

On September 11, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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<u>Property Address</u>	<u>Council District</u>
a. 1129 North Spruce	I
b. 1741 North Lorraine	I
c. 2402 West 29th Street North #1	I
d. 1923 South Greenwood	III
e. 2323 South Washington	III

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued revitalization of the Core Area. Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Vice-Mayor Gray moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on November 7, 2006 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 6 to 0, (Mayans absent).

--carried

## RESOLUTION NO. 06-481

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 17 and 19, Tenth Street Addition to Wichita, Sedgwick County, Kansas, known as 1129 North Spruce may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-482

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 81 and 83, on Lorraine Avenue, Woodridge Place Addition, to Wichita, Sedgwick County, Kansas, known as 1741 North Lorraine may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-483

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 1 and the north 20 feet of vacated 29<sup>th</sup> Street, Meridian Avenue and the K-96 Highway adjacent, Block 1, Pier Point Acres, to Wichita, Sedgwick County, Kansas, known as 2402 West 29<sup>th</sup> Street North may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).



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## RESOLUTION NO. 06-484

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 17,19,21 and 23, on Fannie Avenue, now Greenwood, Strong's Addition to Wichita, Sedgwick County, Kansas, known as 1923 South Greenwood may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-485

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 65 and 67 Washington Avenue, Rock Island 3<sup>rd</sup> Addition to Wichita, Sedgwick County, Kansas, known as 2323 South Washington may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 19, 2006).

- a) Ridge and Maple Intersection Improvement. (District V)

#### ORDINANCE NO. 47-133

An Ordinance amending Ordinance No. 46-993 of the City of Wichita, Kansas declaring the intersection of Ridge at Maple (472-84258) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton, (Mayans absent).

#### ORDINANCE NO. 47-134

- b) ZON2005-61-located north of 55th Street South and east of Hillside. (District III)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton, (Mayans absent). (ZON2005-61)

- c) PUD2005-03-located north of Kellogg and west of Broadway. (District I)

#### ORDINANCE NO. 47-135

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton, (Mayans absent). (PUD2005-03)

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## PLANNING AGENDA

Motion--  
--carried

Vice-Mayor Gray moved that Planning Consent items 10-14 be approved in accordance with the recommended action Motion carried 6 to 0, (Mayans absent).

**VAC2006-29**

### **VAC2006-29-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK, GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE ROCK ROAD AND ROCK ROAD COURT INTERSECTION. (DISTRICT II)**

Agenda Report No. 06-0983

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant requires an additional 10-feet to build a pool and deck, thus the request. Per the Unified Zoning Code (UZC), the "SF-5" zoning district has a minimum 15-foot street side yard setback. The applicant's request would reduce the platted 35-foot street side yard setback to 25-feet, 10-feet more than the UZC's minimum street side yard setback. The site is located within CUP DP-73. The site is 1 of 16 residential lots located in Parcel 9A of the CUP. If this vacation request is approved, the applicant will have to apply for an adjustment to the CUP to reflect the vacated street side yard setback. There is a sewer line located in a platted 15-foot utility easement, which is contained within the described platted street side yard setback. There is no water or utilities located within the easement or the described setback. The Sycamore Village 4th Addition was recorded with the Register of Deeds on May 20, 1985.

The MAPC voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and a contingent dedication of right-of-way by separate instrument will be recorded with the Register of Deeds.

Motion--  
--carried

Vice-Mayor Gray moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

**SUB2004-71**

### **SUB2004-71-PLAT OF HONG'S ADDITION, LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH AND WEST OF WEBB ROAD. (COUNTY)**

Agenda Report No. 06-0984

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 4.7 acres, is located in the County within three miles of Wichita's city limits. A Sedgwick County zone change request (ZON 2002-04) from "SF-20" Single-family Residential District to "LC" Limited Commercial District has been approved. A conditional use (CON 2002-19) has also been approved for outdoor display and storage.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for the future extension of sanitary sewer and water services. County Code Enforcement has approved the use of on-site sanitary sewage and water well facilities. As per County Engineering, a Contingent Access Dedication has been submitted limiting the easterly opening to rights-in/out, only upon determination by the appropriate city or county engineer that traffic conditions warrant the restriction. This site is located within the noise impact area of McConnell Air force Base; therefore, an Avigational Easement and Restrictive Covenant

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have been submitted. As required by the Conditional Use, a Contingent Dedication of street right-of-way has also been submitted and has been recorded with the Register of Deeds.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant, Avigational Easement and Contingent Access Dedication will be recorded with the Register of Deeds.

Motion--  
--carried

Vice-Mayor Gray moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-486

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90236 (north of 31<sup>st</sup> Street South, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-487

A Resolution of findings of advisability and resolution authorizing construction of lateral 164, War Industries sewer (north of 31<sup>st</sup> Street South, west of Webb) 468-83941 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

SUB2005-148

### **SUB2005-148-PLAT OF BELLECHASE ADDITION, LOCATED ON THE EAST SIDE OF 127TH STREET EAST AND NORTH OF HARRY. (DISTRICT II)**

Agenda Report No. 06-0985

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 36 lots on 18.19 acres, has recently been annexed into Wichita's city limits and is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sewer, left-turn lanes, water and drainage improvements. As per City Engineering, an Off-site Drainage Agreement has been submitted. Restrictive Covenants have been provided to: 1) establish a lot owner's association to provide for the ownership and maintenance of the proposed reserves; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days

Ensure Efficient Infrastructure.

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The Certificate of Petitions, Off-site Drainage Agreement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--  
--carried

Vice-Mayor Gray moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-488

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90205 (east of 127<sup>th</sup> Street East, north of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-489

A Resolution of findings of advisability and resolution authorizing construction of lateral 398, Four Mile Creek sewer (east of 127<sup>th</sup> Street East, north of Harry) 468-84203 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-490

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 297 (east of 127<sup>th</sup> Street East, north of Harry) 468-84204 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-491

A Resolution of findings of advisability and resolution authorizing constructing pavement on Bellechase, from the east line of 127<sup>th</sup> Street East to the east line of Bellechase Addition; Spring Valley, from the east line of 127<sup>th</sup> Street East to the east line of Bellechase Addition; Horseback, from the north line of Bellechase to the south line of Spring Valley; Horseback Court, from the west line of Horseback; Horseback court, from the east line of Horseback; Horseback Circle from the north line of Spring Valley; Bellechase Court, from the north line of Bellechase and sidewalks to be constructed on one side of all through, non cul-de-sac streets (east of 127<sup>th</sup> Street East, north of Harry) 472-84426 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-492

A Resolution of findings of advisability and resolution authorizing constructing left turn lanes on 127<sup>th</sup> Street East, serving the entrances at Bellechase and Spring Valley (east of 127<sup>th</sup> Street East, north of Harry) 472-84427 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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SUB2006-38

## SUB2006-38-PLAT OF OAK CREEK SECOND ADDITION, LOCATED SOUTH OF 21ST STREET NORTH AND ON THE WEST SIDE OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 06-0986

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 26 lots on 94.4 acres, is a replat of a portion of Oak Creek Addition and creates 18 additional lots. This site is located within Wichita's city limits and is zoned "GO" General Office District and "LC" Limited Commercial District. The Oak Creek Community Unit Plan (CUP 2004-09, DP-274) was also approved for this site. A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, traffic signalization, and drainage and paving improvements. In accordance with the CUP approval, a Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots. This site is located within the noise impact area of McConnell Air Force Base; therefore, an Avigational Easement and Restrictive Covenant have been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Notice of Community Unit Plan, Cross-lot Circulation Agreement, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Vice-Mayor Gray moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0, (Mayans absent).

### RESOLUTION NO. 06-493

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90233 (south of 21<sup>st</sup>, West of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

### RESOLUTION NO. 06-494

A Resolution of findings of advisability and resolution authorizing construction of lateral 3, main 16, Four Mile Creek sewer (south of 21<sup>st</sup>, west of Greenwich) 468-83986, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

### RESOLUTION NO. 06-495

A Resolution of findings of advisability and resolution authorizing construction of lateral 8, main 16, Four Mile Creek sewer (south of 21<sup>st</sup>, west of Greenwich) 468-84233 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## RESOLUTION NO. 06-496

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 302 (south of 21<sup>st</sup>, west of Greenwich) 468-84234 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-497

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 303 (south of 21<sup>st</sup>, west of Greenwich) 468-84235 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-498

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 304 (south of 21<sup>st</sup>, west of Greenwich) 468-84236 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-499

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 305 (south of 21<sup>st</sup>, west of Greenwich) 468-84237 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-500

A Resolution of findings of advisability and resolution authorizing improving storm water drain number 306 (south of 21<sup>st</sup>, west of Greenwich) 468-84238 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-501

A Resolution of findings of advisability and resolution authorizing constructing pavement on 19<sup>th</sup> Street North from Chateau Parkway to Oak Creek Parkway and on Chateau Parkway from 19<sup>th</sup> Street North to a point 80 feet South of Lot 4, Block 2, Oak Creek Addition (south of 21<sup>st</sup>, west of Greenwich) 472-84449 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton,, (Mayans absent).

## RESOLUTION NO. 06-502

A Resolution of findings of advisability and resolution authorizing constructing improvements to Greenwich Road to serve Oak Creek Addition and Oak Creek Second Addition (south of 21<sup>st</sup>, west of Greenwich) 472-84452 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## RESOLUTION NO. 06-503

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90066 (south of 21<sup>st</sup>, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent)

## RESOLUTUION NO. 06-504

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90234 (south of 21<sup>st</sup>, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-505

A Resolution of findings of advisability and resolution authorizing constructing a traffic signal at Greenwich Road at the major entrance located 2100 feet south of 21<sup>st</sup> street north (south of 21<sup>st</sup>, west of Greenwich) 472-84451 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

**A06-18R**

### **A06-18R-REQUEST BY CRAIG SMITH OF TERRADYNE RESIDENTIAL, LLC TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF 159TH STREET EAST AND I-35. (DISTRICT II)**

Agenda Report No. 06-0987

The City has received a request to annex 50.56 acres of land generally located southwest of the intersection of 159th Street East and I-35. The annexation area abuts the City of Wichita to the south and west. The property owner anticipates that the proposed property will be developed with 55 single-family units over the next 5 years. A plat has been submitted to the Metropolitan Area Planning Department for review.

**Land Use and Zoning:** The proposed annexation consists of approximately 50.56 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north of I-35 is primarily undeveloped and agricultural in nature with a couple of residential units and is zoned "SF-20" Single-Family Residential. Property to the south and west is developed and zoned as "SF-5" Single-Family Residential. The property to the east is within the City of Andover in Butler County and is zoned and developed as "R-2" Single-Family Residential.

**Public Services:** There are three water lines in close proximity of the subject property: 1) an 8" water line in Sharon between Brookhaven and Lancaster; 2) a 16" water main in 159th Street from the southeast corner of the subject property to Terradyne Road; and 3) a 20" water main in Central along the south side of the subject property. The plat will require the developer to extend the 16" water main in 159th Street to the north line of the subject property. There are also three sewer lines in close proximity to the subject property: 1) an 8" sewer line along the west side of the subject property within the Brookhaven Estates 2nd Addition; 2) an 8" sewer line in Sharon between Brookhaven and Lancaster; and 3) an 8" sewer line along the north side of Central along the south side of the subject property.

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**Street System:** The subject property borders Central to the south, 159th to the east and I-35 to the north. Central is currently a paved, five-lane road, while 159th Street East is a 2-lane asphalt mat street. I-35 is a four lane Interstate. The 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2006-2010 have scheduled 159th Street East to be widened from 21st Street to 1/2 mile south of Kellogg, which is along the east edge of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for any improvements at this time.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a thirteen (13) to fourteen (14) minute approximate response time from City Station No. 15, located at 7923 E Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The WB Harrison Park, a 40.15-acre park, is located approximately 5 1/2 miles to the southwest of the proposed annexation site and contains a paved jogging trail, a softball diamond, two lighted tennis courts, a rugby field, a children's play area, a fishing pond, benches, 12 picnic tables and four parking areas. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified, which would run southwest of the subject property, from I-35 southeast to Central. A potential future park site has been identified northwest of the subject property as well, north of I-35.

**School District:** The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$31,480 with a total assessed value of \$4,019. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$258 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 55 residential units will be developed within the next five years. The total appraised value of this development after completion is estimated at \$13,750,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$49,661 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Vice-Mayor Gray moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A06-18)



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## AIRPORT AGENDA

Motion-- Vice-Mayor Gray moved that Airport Consent item 15 be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 6 to 0, (Mayans absent).

## **ELEC. SERVICE**

### ADMINISTRATION BUILDING ELECTRICAL SERVICE, MID-CONTINENT AIRPORT.

Agenda Report No. 06-0988

This work is identified in the Capital Improvement Program as utility improvements.

The electrical system that feeds the administration building has become unreliable and is in need of replacement.

A budget of \$180,000 is established for the project and it will be funded with General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements to allow uninterrupted airport services to be provided.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion-- Vice-Mayor Gray moved that the project and the capital budget be approved and the resolution adopted.  
--carried Motion carried 6 to 0, (Mayans absent).

## **RECESS**

The City Council recessed into workshop at 9:44 a.m.

### **Workshop followed in the City Council Chambers.**

## **RECESS**

The City Council recessed from the workshop at 12:17 p.m.

Motion-- Vice-Mayor Gray moved that the City Council recess into Executive Session at 12:35 p.m. to consider:  
consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal  
advice, preliminary discussions relating to the acquisition of real property for public purposes and  
confidential data relating to the financial affairs or trade secrets of a business and that the Council return  
from Executive Session no earlier than 12:50 p.m. and reconvene in the City Council Chambers on the  
first floor of City Hall. Motion carried 6 to 0, (Mayans absent).  
--carried

## **RECONVENED**

The City Council reconvened in the City Council Chambers at 1:21 p.m. Vice-Mayor Gray announced that no action was taken.

Motion--carried Vice-Mayor Gray moved to close the Executive Session at 1:21 p.m. Motion carried 6 to 0, (Mayans absent).

Motion--carried Vice-Mayor Gray moved to close the Regular Meeting at 1:22 p.m. Motion carried 6 to 0, (Mayans absent).

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## ADJOURNMENT

The City Council meeting adjourned at 1:22 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

**\*\*\*Workshop continued in the City Council Chambers\*\*\***